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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,730	06/06/2001	Pratik Kumar Nahata	60426-322; 2000P07678US01	7169
24500	7590	10/27/2003	EXAMINER	
SIEMENS CORPORATION INTELLECTUAL PROPERTY LAW DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			DALENCOURT, YVES	
		ART UNIT	PAPER NUMBER	
		2635	6	
DATE MAILED: 10/27/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/875,730	NAHATA ET AL.
	Examiner	Art Unit
	Yves Dalencourt	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on communication filed on 06/06/01.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 20 is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 June 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2/5.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## DETAILED ACTION

This office action is responsive to communication filed on 06/06/01.

### *Specification*

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Therefore, "comprises" (page 14, line 2) is implied and should be avoided.

It is suggested to delete the subscript at the bottom of page 14.

It is also suggested to change the title to "Effortless entry system and method" since claim 20 is a method claim.

### *Claim Objections*

Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 2 depends on itself.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 - 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Joseph David King (US 6236333; hereinafter King).

Regarding claim 1, King teaches a vehicle port control system (figure 1) comprising a sensor that detects the presence and distance of the key fob from a vehicle door (col. 1, lines 44 – 50; thus, such sensors meet the claimed a capacitive sensor sensing an object a predetermined distance about said vehicle port); a lock securing said port (col. 2, lines 28 – 32); and a control unit in communication with said sensors, controlling the actuation of said lock (40, figure 1; col. 2, lines 32 – 49; col. 3, lines 32 – 41).

Regarding claim 2, King teaches a vehicle port control system that includes an electronic key device (22, figure 1) sending a key code to said control unit (40) wherein said control unit (40) actuates said lock when said key code matches said security code (col. 3, lines 10 - 19).

Regarding claim 3, King teaches a vehicle port control system, wherein said electronic key device sends said key code when requested by said control unit (col. 3,

lines 10 – 15; the request of the code by the control unit is done by the interrogation signal).

Regarding claim 4, King teaches a vehicle port control system, wherein said control unit requests said key code when said object crosses said predetermined distance (col. 1, lines 48 – 54 and lines 59 – 67; the request of the code by the control unit is done by the interrogation signal).

Regarding claim 5, King teaches a vehicle port control system, wherein said object is the driver (col. 1, lines 48 – 50; the claimed at least a portion of a person).

Regarding claim 6, King teaches a vehicle port control system which, includes a security system (the claimed vehicle subsystem) vehicle subsystem in communication with said control unit, responding to the presence of an object crossing said predetermined distance (col. 1, lines 47 – 58).

Regarding claim 7, King teaches a vehicle port control system that includes actuators (36a-e, figure 1; the claimed latch) for controlling opening and closing of said port (col. 2, lines 28 – 36).

Regarding claim 8, King teaches a vehicle port control system, which comprises a controller 40 that deactivates the actuator 36a-e (latch) associated with that sensor 30a-e to unlock the door 34a-e that the key fob is approaching (col. 3, lines 25 – 27; the claimed said latch includes a sensor in communication with said control unit that detects movement of said latch).

Regarding claim 9, King teaches a vehicle port control system, wherein said sensor is an infrared sensor (col. 4, lines 18 - 22).

Regarding claim 10, King teaches a vehicle port control system (figure 1) comprising a vehicle door (34a-e; the claimed vehicle port (col. 3, lines 22 - 24); a sensor that detects the presence and distance of the key fob from a vehicle door (col. 1, lines 44 – 50; thus, such sensors meet the claimed a capacitive sensor sensing an object a predetermined distance about said vehicle port); and a control unit in communication with said sensors, comparing a signal from said sensors with a predetermined threshold (figure 3; col. 4, lines 4 – 28).

Regarding claim 11, King teaches a vehicle port control system that includes a lock controlled by said control unit, securing said port (col. 2, lines 28 – 32).

Regarding claim 12, King teaches a vehicle port control system that includes an electronic key device (22, figure 1) sending a key code to said control unit wherein said control unit actuates said lock when said key code matches said security code (col. 3, lines 10 - 19).

Regarding claim 13, King teaches a vehicle port control system, wherein said electronic key device sends said key code when requested by said control unit (col. 3, lines 10 – 15; the request of the code by the control unit is done by the interrogate signal).

Regarding claim 14, King teaches a vehicle port control system, wherein said control unit requests said key code when said object crosses said predetermined distance (col. 1, lines 48 – 54 and lines 59 - 67).

Regarding claims 15 and 16, King teaches a vehicle port control system, wherein the distance of the key fob and the driver from the associated door is being monitored (col. 1, lines 48 – 51; claimed at least a portion of a person).

Regarding claim 17, King teaches a vehicle port control system which, includes a security system (the claimed vehicle subsystem) in communication with said control unit, responding to the presence of an object crossing said predetermined distance (col. 1, lines 47 – 58).

Regarding claim 18, King teaches a vehicle port control system that includes actuators (36a-e, figure 1; the claimed latch) for controlling opening and closing of said port (col. 2, lines 28 – 36).

Regarding claim 19, King teaches a vehicle port control system, which comprises a controller 40 that deactivates the actuator 36a-e (latch) associated with that sensor 30a-e to unlock the door 34a-e that the key fob is approaching (col. 3, lines 25 – 27; the claimed said latch includes a sensor in communication with said control unit that detects movement of said latch).

### ***Allowable Subject Matter***

Claim 20 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: As specifically claimed, the art of record fails to teach, among other limitations, in combination, a method of port control, which comprises the steps of establishing a lower voltage on a third surface spaced from the second surface, thereby propagating

an electric field from the first surface, around the second surface, and to the third surface; sensing changes in the electric field caused by the presence of an object in the electric field; generating an electric field signal based on the changes in the electric field; comparing the electric signal to a predetermined threshold; and controlling a port based on the comparison.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lotito et al (US Patent Number 6,079,738) discloses an occupant presence and position sensing system.

Joël Garnault (US Patent Number 5,929,769) discloses a hands-free system for unlocking and/or opening an openable member of a motor vehicle.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt  
  
October 2, 2003